

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 300(a)
Title 14, California Code of Regulations
Re: Resident Upland Game Birds

- I. Date of Initial Statement of Reasons: April 10, 2002
- II. Date of Pre-adoption Statement of Reasons: July 3, 2002
- III. Date of Final Statement of Reasons: August 5, 2002
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: May 9, 2002
Location: Fresno, California
 - (b) Discussion Hearing Date: June 20, 2002
Location: South Lake Tahoe, California
 - (c) Adoption Hearing: Date: August 2, 2002
Location: San Luis Obispo, California
- V. Update:
 - (a) Season Length for Pheasants

No changes were made to the originally proposed language of the Pre-Adoption Statement.
 - (b) Permit Numbers for Sage Grouse

The proposed language in the Pre-adoption Statement recommended the following permit quotas: East Lassen Zone, 100 two-bird permits; Central Lassen Zone, 40 two-bird permits; North Mono Zone, 10 one-bird permits; South Mono and Inyo Zone, 10 one-bird permits. The permit numbers adopted by the Commission at Adoption Hearing were not changed from those recommended for the two Lassen County zones, but were changed from 10 to 25 permits for each of the Mono County zones. All permit numbers remain within the ranges presented in the Initial Statement of Reasons.

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those considerations:

Responses to public comments received were included in the Pre-adoption Statement of Reasons (see attached). No other public comments, written or oral, were received during the public comment period.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

i. Permit Ranges for Sage Grouse

An alternative would be to adjust the season length for sage grouse, rather than adjust the number of permits issued. The Department has considered this alternative and found it to be inadequate because it would not allow the harvest to be adjusted significantly according to spring population surveys. The current season is only two days, and therefore does not give adequate latitude for lowering harvest.

ii. Season Length for Pheasants

The Department considered an alternative of an increase in season length greater than the proposal of an additional 14 days. For example, many states allow pheasant hunting for eight to twelve weeks. It was determined to be a reasonable compromise to propose an increase in season length of two weeks. This would provide for a season that opens on the same date that it does now (second Saturday in November), and extends for 44 days.

(b) No change Alternative:

1. Permit Ranges for Sage Grouse

The no change alternative was considered and found to be inadequate because it would not allow the Department to adjust the number of permits based on the status of the population, which could result in over harvest or unnecessary reduction of hunting opportunity.

2. Season Length for Pheasants

The no change alternative was considered and found to be inadequate because it would not provide an optimal level of hunting opportunity, consistent with Fish and Game Commission policy.

(c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The nature of these regulatory changes is directed at wise stewardship and would have no significant adverse effects on businesses.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person of business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

(e) Nondiscretionary Costs/Savings to Local Agencies: None

(f) Programs mandated on Local Agencies or School Districts: None

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None

(h) Effect on Housing Costs: None

UPDATED INFORMATIVE DIGEST (Plain English Overview)

Existing regulations [Section 300(a)(1)(A)(1)] provide that the season for hunting pheasants is from the second Saturday in November extending for 30 consecutive days. The Department accepted a public proposal to extend the season for two weeks. The Department is now proposing to the Commission that the pheasant hunting season open on the second Saturday in November, and extend for 44 days. The Department believes that this will provide additional hunting opportunity, with no adverse effects on pheasant populations. Most other states have pheasant hunting seasons from six to twelve weeks. Only male pheasants may be legally taken, and post-season composition counts conducted on heavily-hunted state wildlife areas in California show rooster to hen ratios well above those needed to assure that all hens are fertilized the following spring. Consequently, there is no sound biological reason for not allowing a longer pheasant hunting season. An additional benefit of a longer season is that some landowners may be more likely to consider pheasant habitat needs when making land management decisions. This would also benefit numerous other wildlife species.

Existing sage grouse hunting regulations [Section 300(a)(1)(D)4] allow 200 two-bird permits for the East Lassen Zone, 75 two-bird permits for the Central Lassen Zone, 25 one-bird permits for the North Mono Zone, and 25 one-bird permits for the South Mono and Inyo Zone. Under the current regulatory cycle, the first Fish and Game Commission notice hearing date for sage grouse regulation changes occurred in May. However, the final sage grouse population survey results necessary for setting hunting quotas are not available until June. The Department proposes a range of maximum and minimum permit numbers to the Commission, with the provision that the actual number of permits recommended for each hunt zone will be based on spring grouse population surveys. The originally proposed ranges are 10 to 375 permits for the East Lassen Zone, 10 to 175 permits for the Central Lassen Zone, 10 to 100 permits for the North Mono Zone, and 10 to 100 permits for the South Mono and Inyo Zone. The final recommendations for permit quotas were determined following spring strutting area surveys in each zone.

The Commission selected permit numbers as follows:

East Lassen Zone: 100 two-bird permits

Central Lassen Zone: 40 two-bird permits

North Mono Zone: 25 one-bird permits

South Mono and Inyo Zone: 25 one-bird permits

300. UPLAND GAME BIRDS.

(a) Resident Upland Game Birds

(1) General Seasons: Shotgun; Crossbow; and Pistol/Revolver for Blue/Ruffed Grouse Only; Bag and Possession Limits and Open Areas

(see Authorized Methods of Take, Section 311)

Species	1. Seasons	2. Daily Bag and Possession Limits
(A) Pheasants	The second Saturday in November extending for 30 ⁴⁴ consecutive days	Bag Limit: 2 males per day for the first 2 days of the season; 3 males per day after the first two days of the season Possession Limit: double the daily bag limit
3. Area:	Statewide	
Species	1. Seasons	2. Daily Bag and Possession Limits
(B) Quail [including California (valley) quail, mountain quail, and Gambel's (desert) quail] Mountain Quail only: All species: All species: All species:	See area zone descriptions for details a. Early Mountain Quail Season (Zone A) - The second Saturday in September extending through the Friday prior to the third Saturday in October General Quail Season (Zone A) - The third Saturday in October extending through the last Sunday in January b. Early Coastal Season (Zone B) - The last Saturday in September extending through the last Sunday in January c. Balance of the State Season (Zone C) - The third Saturday in October extending through the last Sunday in January	Bag Limit: 10 quail in any combination of species per day Possession Limit: double the daily bag limit
QUAIL HUNTING ZONE AREA DESCRIPTIONS 3. Area Zone Descriptions: a. Zone A: The early mountain quail season hunting zone includes the counties of Alpine, Butte, Del Norte, Glenn, Humboldt, Inyo, Lassen, Modoc, Mono, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity, and those portions of Amador, Calaveras, El Dorado, Fresno, Madera, Mariposa, Nevada, Placer, Tuolumne, Tulare, and Yuba counties lying east of the western boundary of the national forests.		

- b. **Zone B:**
The early coastal quail season (all species) hunting zone includes the counties of Marin, Napa, Solano, Sonoma, Lake, and Mendocino.
- c. **Zone C:**
The balance of the state season (all species) hunting zone includes the remaining land area not included in Zone B (the counties of Marin, Napa, Solano, Sonoma, Lake, and Mendocino).

Species	1. Seasons	2. Daily Bag and Possession Limits
(C) Chukar (Red-Legged Partridges)	The third Saturday in October through the last Sunday in January	Bag Limit: 6 chukar per day Possession Limit: double the daily bag limit

3. Area: Statewide

Species	1. Seasons	2. Daily Bag and Possession Limits
(D) Sage Grouse	The second Saturday in September extending for two consecutive days	See area open zone descriptions (Section 300(a)(1)(D)3.) East Lassen and Central Lassen zones: Bag Limit: 2 sage grouse per day Possession Limit: 2 sage grouse per season North Mono and South Mono and Inyo zones: Bag Limit: 1 sage grouse per day Possession Limit: 1 sage grouse per season

SAGE GROUSE HUNTING ZONE DESCRIPTIONS AND PERMIT PROCESS

3. Area Open Zone Descriptions:

- a. **East Lassen Zone:**
That portion of Lassen County beginning at the intersection of Highway 395 and County Road 502 in the town of Ravendale; north and east on County Road 502 to County Road 526 (Buckhorn Road); east on County Road 526 to the Nevada state line; south along the Nevada state line to its intersection with County Road 320 (Wendel-Flanigan Road); northwest on County Road 320 to its intersection with Highway 395 between Wendel and Litchfield north on Highway 395 to the point of beginning.
- b. **Central Lassen Zone:**
That portion of Lassen County beginning at the intersection of Highway 139 and County Road 513 (Termo-Grasshopper Road); east on County Road 513 to its intersection with County Road 523 (Westside Road); north on County Road 523 to its intersection with County Road 525 (Brockman Road); east on County Road 525 to its intersection with Highway 395; south on Highway 395 to its intersection with Highway 36 in the town of Johnstonville; west on Highway 36 to its intersection with Highway 139 in Susanville; north on Highway 139 to the point of beginning.

c. **North Mono Zone:**

That portion on Mono county beginning at the intersection of Highway 182 and the California-Nevada state line; south and east along the California-Nevada state line to Highway 167; west along Highway 167 to Highway 395; north along Highway 395 to Highway 182 at Bridgeport; north along Highway 182 to the point of beginning.

d. **South Mono and Inyo Zone:**

That portion of Mono and Inyo counties beginning at the intersection of Highway 167 and the California-Nevada state line; south and east along the California-Nevada state line to the second crossing of Highway 266; west along Highway 266 to Highway 168; south and west along Highway 168 to Highway 395; north along Highway 395 to Highway 167; east along Highway 167 to the point of beginning. **The following area within this open zone is closed to hunting sage grouse:** That portion of Mono County beginning at the intersection of U.S. Highway 395 and Benton Crossing Road; north and east along Benton Crossing Road to State Highway 120; north and east on State Highway 120 to U.S. Highway 6; south on U.S. Highway 6 to U.S. Highway 395; north and west on U.S. Highway 395 to the point of beginning.

No open season in the balance of the state not included in the above open zones.

4. Number of Permits:

- a. **East Lassen Zone:** 200~~10-375~~100 permits
- b. **Central Lassen Zone:** 75~~10-175~~40 permits
- c. **North Mono Zone:** 25~~10-100~~1025 permits
- d. **South Mono and Inyo Zone:** 25~~10-100~~1025 permits

5. Permit Process:

The free sage grouse hunting permits shall be issued by public drawing. All applicants shall apply either on a postcard or through the Internet at the License and Revenue Branch Home Page at <http://www.dfg.ca.gov/lrb> and select sage grouse drawing. All applicants must provide their name, address, zip code, hunting license number, and the zone they wish to hunt. Applicants shall submit only one drawing application for either the East Lassen Zone, Central Lassen Zone, North Mono Zone, or the South Mono and Inyo Zone. Up to four hunters may apply as a party. All hunters' names, addresses, and hunting license numbers must be included on the application. Postcard applications for all hunts shall be mailed to the Department of Fish and Game, License and Revenue Branch, 3211 S Street, Sacramento, California, 95816. Applications must be received before the close of the business day on the second Monday of August for all open zones (East Lassen Zone, Central Lassen Zone, North Mono Zone, or the South Mono and Inyo Zone). Successful applicants will be notified by mail prior to the opening date of the season. Permits are nontransferable. Any permits remaining after the drawing will be issued on a first-come, first-served basis and will be advertised by news release following each drawing. Applications for remaining permits shall be mailed to the above address with the same required information. Successful drawing applicants previously selected, or hunt party members, may not apply for remaining permits.

6. Falconry Only Permits:

Applicants desiring to use a sage grouse permit during the falconry-only season must declare upon the application that the permit is for falconry only.

Species	1. Seasons	2. Daily Bag and Possession Limits
(E) Blue and Ruffed Grouse	The second Saturday in September extending for 31 consecutive days	Bag Limit: 2 grouse per day Bag Limit Makeup: <ul style="list-style-type: none">• up to 2 blue grouse• up to 2 ruffed grouse• or one of each Possession Limit:

		<ul style="list-style-type: none"> double the daily bag limit (4 grouse)
<p align="center">BLUE AND RUFFED GROUSE HUNTING ZONE DESCRIPTIONS</p> <p>3. Area Open Zone: The open hunting zone for blue and ruffed grouse includes the following counties: Alpine, Amador, Butte, Calaveras, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Inyo, Lake, Lassen, Madera, Mariposa, Mendocino, Modoc, Mono, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity, Tulare, Tuolumne, and Yuba. All other counties are closed to the taking of blue or ruffed grouse.</p>		
Species	1. Seasons	2. Daily Bag and Possession Limits
(F) White-Tailed Ptarmigan	The second Saturday in September extending for nine consecutive days	Bag Limit: 2 ptarmigan per day Possession Limit: 2 per season
<p align="center">PTARMIGAN HUNTING ZONE DESCRIPTIONS</p> <p>3. Area Open Zone: The open hunting zone for ptarmigan includes Alpine County and that portion of Mono County lying north and west of a line beginning at the intersection of Highway 203 and the Madera County line; east on Highway 203 to Highway 395; and north on Highway 395 to the Nevada state line.</p>		
Species	1. Seasons	2. Daily Bag and Possession Limits
(G) Wild Turkeys	a. Fall Season - The second Saturday in November extending for 16 consecutive days	Bag Limit: 1 either-sex turkey per day Possession Limit: 1 per season
	b. Spring Season - The last Saturday in March extending for 37 consecutive days	Bag Limit: 1 bearded turkey per day Possession Limit: 3 per season (A bearded turkey is one having a beard visible through the breast feathers.)
<p>3. Area:</p> <p>a. Fall Season: All counties except San Diego County</p> <p>b. Spring Season: Statewide including State Game Refuge 1G, located in Tehama County</p>		

(2) Archery Seasons, Bag and Possession Limits and Open Areas

(see Authorized Methods of Take, sections 311 and 354)

Species	1. Seasons	2. Daily Bag and Possession Limits
(A) Pheasants	The second Saturday in November extending for 60 consecutive days	<p>Bag Limit: 2 pheasants per day for the first 2 days of the season; 3 pheasants per day after the first two days of the season</p> <p>Possession Limit: double the daily bag limit; the daily archery bag may contain not more than one female pheasant</p>
3. Area: Statewide		
Species	1. Seasons	2. Daily Bag and Possession Limits
(B) Quail (all species)	The third Saturday in August extending for 21 consecutive days and during the general seasons as follows:	<p>Bag Limit: 10 quail in any combination of species per day</p> <p>Possession Limit: double the daily bag limit</p>
Mountain Quail only:	a. Early Mountain Quail Season (Zone A) - The second Saturday in September extending through the Friday prior to the third Saturday in October	
All species:	General Quail Season (Zone A) - The third Saturday in October extending through the last Sunday in January	
All species:	b. Early Coastal Season (Zone B) - The last Saturday in September extending through the last Sunday in January	
All species:	c. Balance of the State Season (Zone C) - The third Saturday in October extending through the last Sunday in January	
3. Area: Statewide		
Species	1. Seasons	2. Daily Bag and Possession Limits
(C) Chukar	The third Saturday in August extending for 21 consecutive days and during the general season	<p>Bag Limit: 6 chukar</p> <p>Possession Limit: double the daily bag limit</p>
3. Area: Statewide		

Species	1. Seasons	2. Daily Bag and Possession Limits
(D) Sage Grouse	The second Saturday in September extending for 2 consecutive days	<p>See area open zone descriptions (Section 300(a)(1)(D)3.)</p> <p>East Lassen and Central Lassen zones: Bag Limit: 2 sage grouse per day</p> <p>Possession Limit: 2 sage grouse per season</p> <p>North Mono and South Mono and Inyo zones: Bag Limit: 1 sage grouse per day</p> <p>Possession Limit: 1 sage grouse per season</p>
3. Area:	Open Zone: see open zone descriptions for details [Section 300(a)(1)(D)3], which include portions of Lassen, Mono, and Inyo counties. Hunting by free permit only; see permit process section for details.	
Species	1. Seasons	2. Daily Bag and Possession Limits
(E) Blue and Ruffed Grouse	The third Saturday in August extending for 21 consecutive days and during the general season from the second Saturday in September extending for 31 consecutive days	<p>Bag Limit: 2 grouse per day Bag Limit Makeup:</p> <ul style="list-style-type: none"> • up to 2 blue grouse • up to 2 ruffed grouse • or one of each <p>Possession Limit:</p> <ul style="list-style-type: none"> • double the daily bag limit (4 grouse)
3. Area:	Open Zone: see open zone descriptions for details [Section 300(a)(1)(E)3], which include northern and eastern portions of the state	
Species	1. Seasons	2. Daily Bag and Possession Limits
(F) White-Tailed Ptarmigan	The second Saturday in September extending for nine consecutive days	<p>Bag Limit: 2 ptarmigan per day</p> <p>Possession Limit: 2 per season</p>
3. Area:	Open Zone: see open zone descriptions for details [Section 300(a)(1)(F)3], which include portions of Alpine and Mono counties	

Species	1. Seasons	2. Daily Bag and Possession Limits
(G) Wild Turkeys	a. Fall Season - The second Saturday in November extending for 16 consecutive days	Bag Limit: 1 either-sex turkey per day Possession Limit: 1 per season
	b. Spring Season - The last Saturday in March extending for 37 consecutive days	Bag Limit: 1 bearded turkey per day Possession Limit: 3 per season (A bearded turkey is one having a beard visible through the breast feathers.)
3. Area: a. Fall Season: All counties except San Diego County b. Spring Season: Statewide including State Game Refuge 1G, located in Tehama County		

(3) Falconry Seasons, Bag and Possession Limits and Open Areas

(see Authorized Methods of Take, Section 311)

Species	1. Seasons	2. Daily Bag and Possession Limits and Hawking Hours
(A) Pheasants (B) Quail (C) Chukar (D) Blue and Ruffed Grouse (E) White-Tailed Ptarmigan	October 1 extending through the last day in February	Bag and Possession Limits: same as general season regulations by species. The daily falconry bag may contain birds of either sex. Hawking hours are sunrise to sunset.
3. Area:	See open zone descriptions for details on each species [Section 300(a)(1)]	
Species	1. Seasons	2. Daily Bag and Possession Limits
(F) Sage Grouse	The first Saturday in November extending for 60 consecutive days, and during the general season	See area open zone descriptions (Section 300(a)(1)(D)3.) East Lassen and Central Lassen zones: Bag Limit: 2 sage grouse per day Possession Limit: 2 sage grouse per season North Mono and South Mono and Inyo zones: Bag Limit: 1 sage grouse per day Possession Limit: 1 sage grouse per season Hawking hours are sunrise to sunset.
3. Area:	See open zone descriptions [Section 300(a)(1)(D)3]; hunting by free permit only; see permit process section for details [Section 300(a)(1)(D)5].	

Species	1. Seasons	2. Daily Bag and Possession Limits
(G) Wild Turkeys	a. Fall Season - The second Saturday in November extending for 16 consecutive days	Bag Limit: 1 either-sex turkey per day Possession Limit: 1 per season
	b. Spring Season - The last Saturday in March extending for 37 consecutive days Statewide including State Game Refuge 1G, located in Tehama County	Bag Limit: 1 bearded turkey per day Possession Limit: 3 per season (A bearded turkey is one having a beard visible through the breast feathers.)
3. Area: a. Fall Season: All counties except San Diego County b. Spring Season: Statewide including State Game Refuge 1G, located in Tehama County		

(b) Migratory Upland Game Birds**(1) Shotgun, Archery, and Falconry Seasons and Bag and Possession Limits**

(see Authorized Methods of Take, Section 507)

Species	1. Seasons	2. Daily Bag and Possession Limits
(A) Band-Tailed Pigeons	<p>a. Northern Zone - The third Saturday in September extending for 9 consecutive days</p> <p>b. Southern Zone - The third Saturday in December extending for 9 consecutive days</p>	<p>Bag Limit: 2 band-tailed pigeons per day</p> <p>Possession Limit: double the daily bag limit</p>

BAND-TAILED PIGEON HUNTING ZONE DESCRIPTIONS**3. Area Open Zone Descriptions:****a. Northern Zone:**

Includes the counties of Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity.

b. Southern Zone:

Includes the balance of the state not included in the northern zone described above.

Species	1. Seasons	2. Daily Bag and Possession Limits
(B) Doves (Mourning doves, white-winged doves, spotted doves, and ringed turtle doves)	September 1 - 15 and from the second Saturday in November extending for an additional 45 days	<p>Bag Limit: Spotted doves and ringed turtle doves shall be included in the bag and possession limit set for the mourning doves and white-winged doves.</p> <p>10 doves per day in aggregate of the above listed dove</p> <p>Possession Limit: double the daily bag limit in aggregate of the above listed dove</p>

3. Area:

Note: There is no open hunting season on common ground-doves, ruddy ground-doves, and Inca doves.

Statewide for mourning doves.

White-winged doves may be taken only in Imperial, Riverside, and San Bernardino counties.

Species	1. Seasons	2. Daily Bag and Possession Limits
(C) Common Snipe	The third Saturday in October extending for 107 days	<p>Bag Limit: 8 per day</p> <p>Possession Limit: double the daily bag limit</p>

3. Area:

Statewide

NOTE

Authority cited: Sections 200, 202, 203 and 355, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 208, 215, 220, 355 and 356, Fish and Game Code.